

UNITED STATES COURT APPEALS FOR THE
NINTH CIRCUIT

United States Of America,
plaintiff

FILED

NOV 18 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

v.

Marcus Belton
Defendant.

) Case No. CR-14-030-JST
) Notice of Appeal Motion for
) Compassionate Release Pursuant
) To 18 U.S.C. §3582(c)(1)(A), And
) 18 U.S.C. §3553(a)'s Factors
) Statutory interpretation, begin
) with the TEXT See. Bostock v.
) Clayton CNTY., Georgia, 140 S. Ct.
) 1731, 1737(2020). Pro Se, see Attached
) Appendix's six pages, And Exhibits
) H,I,J. And Letters from the community
) , And U.S. District Court's order.

Now comes Defendant, Marcus Belton now moves this court for an order to move Mr. Belton to home confinement because of facts in his medical record Id in this motion, shows "extraordinary and compelling reasons" discussed in Belton's Brief, May the record reflect that Belton's Mother passed away on November 13, 2020. And He respectfully ask that this Court proceed in ad-Hoc, and full review on the issues befor the Court.

To the Honorable Judge Tigar
This letter is about compassion
not law, and about why My Mother
last wishes werent granted
She hasnt ever committed a crime,
though I may have been convicted
Of a crime, never a crime of violence
no more violent than shine runners
during prohibition or Canabus marchants
in certan States today. Again this
is not about law but compassion, So
I will now Share My reasons for
My Pre-trial and trial behavior
and motivation to Challenge My case
See the attached document page 10
first paragraph it clearly states that
the delivery was cancelled when the
Defendant identified the Surveillance
agents. Yet the Government went
before the Grand Jury with false
information Saying that a drug deal
took place. And now here again
the Government has went before the
Grand Jury Saying that I sold drugs
to Mr. Beals, which is not true

and due to grave Brady violations I was unable to show min cam recordings that I never sold any drugs to Mr. Beals, to support the probable cause to search that car, yes I was around things that I should not have been around but I have never been convicted of any crime of violence like Mr. Zeigler who's background shows victims of violence, did you ever have a chance to read My Mothers last request before her death, all I ask of you Judge Tigar is to not look at me as a violent person, but as a man that has made poor choices, there is still compassion to be shown and you are the only one that can show my family that opportunity of compassion by reconsideration, and allowing me to attend My Mothers funeral and be there for my wife and kids, allow me that same opportunity you gave Mr. Zeigler. And please read My Mothers

last request, and the attached document I'd as page 10 first paragraph to have an understanding of why I went to trial and My pre-trial behavior and motivation to challenge My case, it was never to challenge Your authority or the Government's I was only trying to exercising My Constitutional, Statutory and procedural rights to Show the truth, I have been consumed by the fight for My freedom and the loss of My family by death, and I ask of You as a humane Judge to Show Me Some Compassion for My current Situation I have also inclosed a current Photo of My current health is declining, and the past 7 years of My trial and tribulation have changed Me, I'm no longer the Man You Sentenced Years ago and if given that Chance to be a law abiding Citizen and to attend My Mothers funeral, and be home with My wife and family

I would be grateful, and would never put My family, My community in danger and I do realize that if given this opportunity I would still be on home confinement for the remainder of My sentence, there is a small change in My release plans I now would be living with My wife Krystal M. Sipp in Stockton CA. And I request that I'd be allowed to work once I find employment

11-15-2020.

To Whom it may concern

My name is JoEva Wiggins Wellington
I am the mother of an Inmate at Lompoc Prison
marcus Belton 98903-011

Our family has lived in California since
1953. I've worked for Alameda County 42 years.
and now I'm Retired. Since Marcus has been
incarcerated he has lost his Father, Grandmother,
Brother, sister and 2 aunts, He was unable to
attend these funerals..

At this time I'm 74 years old and very ill
I've Have 4 open Heart surgeries and I'm
praying I can see my son one more time
before I leave this earth.

It is so sad the way the system is set
up for Black people, I've seen people get
less time for murder.

I pray that He is allowed to come home as
soon as possible because I need him to help
me my Daughter was helping me But she
passed away 2-25-2020

With urgent prayers
Please send my Son Home

JoEva Wiggins Wellington

10-1-2020

Re: Belton, Marcus (15546)

38.	06/13/1998 (Age 26)	Use of a Communications Facility to Commit a Drug Felony, felony/ United States District Court, , Oakland, CA; Docket No.: CR 98- 40082-11-DLJ	12/21/2000: Four years custody in the Bureau of Prisons, one year supervised release 06/07/2002: Released from custody 10/03/2002: Arrested 11/27/2002: Supervised release revoked, 10 months custody in the Bureau of Prisons, released from custody 01/03/2003: Failed to self-surrender 01/06/2003: Warrant issued 01/24/2003: Arrested	4A1.1(a) 4A1.2(k)(1)	3
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The defendant was represented by counsel. According to the presentence report, on February 7, 1998, the defendant used a telephone and pager in Oakland, California to negotiate the delivery of approximately one (1) kilogram of cocaine for approximately \$15,500. However, the delivery was cancelled when the defendant identified the surveillance agents. It is noted, the defendant was sentenced to four years of custody pursuant to USSG §5G1.1(a), because the guideline range for his crime (57 to 71 months) was more than the statutorily authorized maximum sentence of four years.

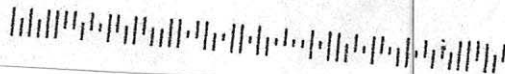
The defendant was released from custody on June 7, 2002. According to the Bureau of Prisons' records, the \$100 special assessment was paid prior to his release. However, during Belton's short period of supervised release, the defendant was involved in numerous violations. On July 8, 2002, during a meeting with United States Probation Officer, Belton indicated his driver's license was suspended and he understood he was not allowed to operate a vehicle. However, on that same date, the defendant was observed leaving a parking garage (adjacent to the Oakland Federal Building) driving a 1992 Lexus sedan (later determined to be registered to his mother). On July 23, 2002, the defendant submitted a urinalysis sample which tested positive for cocaine metabolite. On August 6, 2002, and August 18, 2002, Belton submitted urinalysis samples which tested positive for THC metabolite. Additionally, he failed to report for eight urinalysis tests scheduled between June 22, 2002, and August 24, 2002. The defendant also failed to report for counseling on June 26, 2002 and August 21, 2002. On September 4, 2002, based on the reports that the defendant had failed to report for appointments, services at the East Bay Community Recovery Project (EBCRP) were terminated. On October 3, 2002, Belton was arrested in Oakland, California for Possession of a Controlled Substance (approximately one-half ounce of crack cocaine). Subsequently, an acquaintance of Belton's took responsibility for the narcotics, indicating he mistakenly left some cocaine inside the pocket of a pair of brown pants in the closet of the apartment where Belton was arrested. It is noted, other clothing and items that belonged to Belton



Marcus Belton, 98903-011

United States Penitentiary - Lo.
3901 Klein Blvd.

Lompoc, CA. 93436.



n POC

Santa Barbara

MON 16 NOV



U.S. District Court
Clerk for the Ninth Circuit
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Oakland, CA. 94612

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